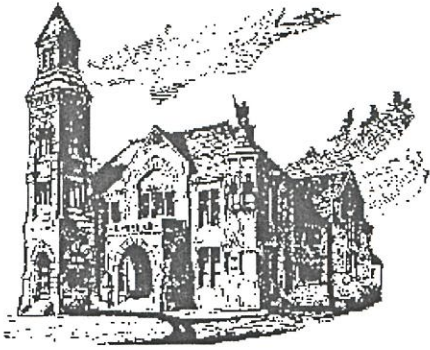


for approval 7.22.21



**The Town of Monson
Zoning Board of Appeals
110 Main Street
Monson, MA 01057**

**413-267-4111
Fax 267-4108**

**MEETING MINUTES THURSDAY, JUNE 24, 2021 7:00 PM
TOWN OFFICE BUILDING, SELECTBOARD MEETING ROOM
110 MAIN STREET, MONSON**

The listings of matters are those reasonably anticipated, by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Members Present: David Beaudoin, Tere Hrynkiw, Ron Fussell
Members ZOOMed in: Theresa Martin
Members Absent: David Jarvis

Meeting is called to order, Special Permit Procedure and Legal Notice are read

7:00 Continuation from May 27, 2021. On the application of Catherine Pienkos, Care for Animals, LLC for a Special Permit for variance from the requirements of Section 3.1, Dimensional & Density Regulations, of the Monson Zoning Bylaws. The applicant seeks to operate Monson Small Animal Clinic, a Veterinary practice at the property located at 2 Main St 113, Lot 58, and is zoned General Commercial. Advertised Palmer Journal 5/13/21, 5/20/21.

Applicant provided include the following documents:

1. Completed application form for a Special Permit and Dimensional Variance (June 25, 2021)
2. Project Narrative (June 25, 2021)
3. Revised Special Permit and Dimensional Variance application (May 3, 2021)
4. Plot Plan by Sherman & Frydryk dated June 22, 2021 (May 3, 2021)
5. Revised Project Narrative (May 3, 2021)

Special Permits 3.1 Detail Review of structures impact of traffic, utilities, other features of the town; the Board asserts that they believe these requirements are met

Dimensional Variance; Board asserts that there is no doubt the area and size of the land and building(s) at 2 Main St is adequate for their proposed operation

Ronald Fussell makes a motion to approve the dimensional variance
Tere Hrynkiw seconds
No further discussion
All in favor
So moved

Ronald Fussell makes a motion to issue the Special Permit for operation of a Veterinary Establishment at 2 Main St
Tere Hrynkiw seconds
No further discussion
All in favor
So moved

-Roxanne Gunther joins to appeal the Zoning Officer's determination on her neighbor's right to beekeeping RE: 1F Whitney Ave

Background: A site visit was performed at 1F Whitney Ave June 21, 2021

Ms. Gunther, resident of May Hill Rd reviews order of events
Neighbor got bees;
Aug 27 swarm, claimed not to be neighbor's
Aug 31 swarm, allegedly posted online that they were the neighbor's; provides photo of post
Sep 8 wrote a letter about bees ¼ acre no land for domestic animals or livestock. Claims has 5 hives, no response
March 13 letter complaint
May 10 letter complaint
Claims zoning officer inserted words into MGL to make her point moot.
Ms. Gunther asserts that her issue is not with bees, that they are good for the environment, farming, and food, but the size and density of the abutting parcel does not allow for the required 75 foot setback that is required per Monson Zoning Bylaws. Claims that USDA classifies bees as livestock and MA has bees as agriculture and farming, which Monson Zoning Bylaws require 1.5 Acres is required for farming, and that livestock are required to be housed 75 ft from any lot line. Because the neighbor is selling the honey for personal gain, she believes that he is qualified as a farm, but does not meet any of the requirements outlined in MGL or Monson Zoning Bylaws to house the alleged livestock within 75 ft of the lot line.
Program eligibility of farming

Owner of bees, James O'Connell 11F Whitney Ave
Corrects that he has 3 hives, not 5
States that Ms. Gunther's house is 200 ft away from location of bees, provides a positive letter from an abutter whose house is within 75ft.
References right to farm bylaw, which does not reference acreage except 5 acres, which is required for taxable farmland.

Asserts that the purpose and intent of the right to farm bylaw is to state with emphasis the right to farm for all citizens, not just those with land.

References Farming and agriculture has no acreage requirement

PT 1, Title 12, Ch. 128 Sec 1A,

MGL Ch. 40A Sec 3 Paragraph 1

Reviews MA farming and livestock definitions from his copy of Pt 1 Title 14 Ch 94 Sec 139C

Reviews Longmeadow MA bee bylaw

No bylaws to enforce in Monson

Town Zoning Officer or Health Department have stated no qualm with the beekeeping

Brenda Clevette (Sp?), 316 Main St; lives behind bee owner – in favor of the bees; says complaint of swarms is unbased since bees swarm on their own accord and is not predictable

Ingrid Statz, 17 Reynolds Ave, an avid gardener, states appreciation for the bees pollinating her yard, and that they are necessary contributors for the environment

Wayne Shaw, 255 Moulton Hill Rd resident of town for 54 years stands and thanks his peers for joining and being involved, states his perspective that this is an obvious matter of disputing neighbors.

David Beaudoin reasserts that the dispute is not to determine whether bees are good or bad, but if beekeeping is a use permitted by right on this specific parcel of land.

References Pg 5 Monson Zoning Bylaws lists agricultural exempt and nonexempt requiring 2 acres.

Anything other than 2 acres is NON EXEMPT and does NOT have the right to farm

References MGL 40A Sec 3, Ch 128 Sec 1A, Sec 5

MGL Under Farming; bees

Under Agriculture; bees

MGL right to farm declaration; no bylaw shall impose on any land use regulation.

Determines that bees are not excluded from the definitions under MGL that would require the acreage necessary as dictated in Monson Zoning Bylaws; right to farm.

David Beaudoin References 2012 MGL Case 1995-C38; a case in which the bees were within 75 feet of the lot line, and the owner of bees was proven to be in violation.

Recommends gathering 120 Signatures for a bylaw update/change to go before the Planning Board and then at the next Annual Town Meeting, for the town to vote in a public forum, that the bees will stay in-place until an official decision is made.

Mr. O'Connell states he intends to get a official plot plan made in order to get official measurements on the setbacks and requests a continuance to the next month's meeting

Ronald Fussell makes a motion to continue
Theresa Martin Seconds
No Further discussion
So moved

-Roxanne Gunther, joins to appeal the Zoning Officer's determination on her neighbor's flood light alleged disturbance at 1F Whitney Ave.

Roxanne Gunther joins to provide photos and to state her case regarding the flood light allegedly polluting rooms on her rental property; that it is her responsibility as a landlord to ensure the comfort and safety of her tenants. Previous photos and letters from original report to Wendell Hebert, previous Building and Zoning Commissioner.

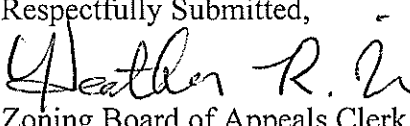
David Beaudoin asserts that the light pollution bylaw adopted in Monson on 5/15/2014 is in reference to commercial property and is not applicable to this complaint.

Other Business:
Minutes 10/22/20
A motion is made to accept the minutes
Seconded
So moved
Minutes 2/25/21

A motion is made to accept the minutes
Seconded
So moved
Minutes 4/22/21

A motion is made to accept the minutes
Seconded
So moved
Minutes 5/27/21

A motion is made to accept the minutes
David Beaudoin abstains
Seconded
So moved

Respectfully Submitted,

Zoning Board of Appeals Clerk

approved 7/22/21